

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

07 CV 2657

SOLENGO CAPITAL ADVISORS ULC,

Plaintiff,

v.

DEALBREAKER, ELIZABETH SPIERS, JOHN
CARNEY, BESS LEVIN, JOHN DOE AND
JANE DOE,

Defendants.

Index No.

JUDGE COTE

DECLARATION OF BRIAN
HUNTER

BRIAN HUNTER, pursuant to 28 U.S.C. § 1746, hereby declares under the
penalties of perjury that the following statements are true and correct:

1. I am a principal of Solengo Capital Advisors ULC ("Solengo"), a business
that my colleagues and I are attempting to grow into a multi-billion dollar commodity investment
vehicle based in Alberta, Calgary.

The Document

2. The Solengo investor prospectus (the "Document") sets forth the venture's
planned structure, trading and risk management platforms, offering information, and biographies
of its founders. I attach a true and correct copy of this Agreement as Exhibit A to this
Declaration. As a principal of Solengo, I assisted in the creation of the Document and the ideas
contained therein.

3. The Document sets forth extremely sensitive, proprietary information relating to Solengo's business. For example: page 2 of the Document contains a description of Solengo's business model, which sets forth the fund's unique investment approach; pages 7-10 of the Document set forth a novel portfolio manager payment scheme and office structure; and pages 11-12 of the Document, which sets forth what is essentially an outline of Solengo's entire offering memorandum, which specifies Solengo sub-funds' margin-to-capital ratio, fees and bonus structures, lock-up periods, and allocation of investor funds.

4. This proprietary information is integral to the fund's competitive edge over other hedge funds, standing in the marketplace, and appeal to potential investors.

Confidentiality

5. Due to its highly confidential nature, Solengo placed a confidentiality stamp on the top of the first page of the Document stating as follows:

The document and any information enclosed within the document contains restricted, privileged, and confidential information and are therefore intended for distribution to authorized persons only. If you are not the intended recipient of this document, you must not disseminate, modify, copy/plagiarize or take action in reliance upon it, unless permitted by Solengo capital. None of the materials provided on this file may be used, reproduced, transmitted, in any form, or by means whatsoever including but not limited to electronically, mechanically, by way of recording or by the use of any information storage and retrieval system, without written permission from Solengo Capital.

Right to Copyright Protection

6. As noted, the Document was created by Solengo principals and represents the fruits of many hours of work that were required to develop the novel ideas contained therein and market them in a convincing manner.

7. Specifically, Solengo has deposited the Document in the Copyright Office and paid the registration fee, and the Copyright Office has received plaintiff's application.

The Infringing Action

8. On March 28, 2007, it came to my attention that the Document had been posted on the DealBreaker website. DealBreaker defines itself as “an online business tabloid and Wall Street gossip blog.” Attached to this declaration as Exhibits B - D are copies of the website postings in Adobe PDF format as of March 28, 2007 and March 29, 2007.

9. DealBreaker posted the Document without Solengo’s authorization.

10. Given the sensitive nature of the information contained in the Document as well as the fact that Solengo is currently still in the very early stages of its development, I believe that the continued, unauthorized dissemination of the Document by DealBreaker will cause severe damages that would be difficult if not impossible to quantify.

11. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on March 30, 2007.



BRIAN HUNTER